

Art Unit: 1654

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Originally-numbered claims 16, 17, and 19 (re-numbered claims 12, 13, and 15, respectively) have been amended as follows:

16. (Currently amended) The method ~~according to any one of claims 10-15~~ of Claim 10, wherein the oligopeptide consists of the amino acid sequence set forth as SEQ ID NO:28.
17. (Currently amended) The method of Claim ~~16~~ 10, wherein one or more of the amino acids of the oligopeptide are the D-isomer.
19. (Currently amended) The method of Claim ~~16~~ 10, wherein at least one terminal amino acid residue is a modified amino acid.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Todd A. Lorenz on October 14, 2009.

The Sequence Listing filed July 16, 2009 is approved.

The following is an examiner's statement of reasons for allowance: The claimed invention is deemed allowable over the prior art of record or any combination thereof. Instant claims 1-7, 10-12, and 15-20 are deemed to be entitled under 35 U.S.C. 119(e) to the benefit of the filing date of provisional application 60/426,684 because the provisional application, under the test of 35 U.S.C. 112, first paragraph, is deemed to disclose the claimed invention.

Accordingly, the Gonzalez et al abstract (J. Urology, Vol. 169, pages 68-69) is not available as

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prior art under 35 U.S.C. 102 against the instant claims. The prior art of record does not teach or render obvious treating a subject, tissue or cell afflicted with or affected by interstitial cystitis by administering an oligopeptide comprising the amino acid sequence set forth as SEQ ID NO:28.

The WO Patent Application 98/46633 does not teach or suggest treating a subject, tissue or cell afflicted with or affected by interstitial cystitis; and that the prior art of record does not teach or suggest any relationship between RDP58 oligopeptides and the disease interstitial cystitis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
October 19, 2009